

Judge Wiles

Chapter 11

Case No. 22-10943 (MEW) (Jointly Administered)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: VOYAGER DIGITAL HOLDINGS, INC. et al.,¹

Debtors.

LETTER TO JUDGE WILES

I must emphasize that the right of creditors to be heard and participate in the bankruptcy process is a fundamental principle of bankruptcy law. Any action by a judge that denies or restricts this right, violates several laws and codes governing bankruptcy proceedings.

Firstly, Section 341 of the Bankruptcy Code specifically provides that a meeting of creditors shall be held, and creditors shall be given an opportunity to be heard. This meeting is an essential part of the bankruptcy process, as it allows creditors to ask questions, present evidence, and offer their views on the debtor's financial affairs. Denying creditors the right to speak during this meeting or taking them off the conference call would be a violation of this provision.

Secondly, the right to due process under the United States Constitution also guarantees creditors the right to be heard in bankruptcy proceedings. As established by the Supreme Court in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), due process requires that

creditors receive adequate notice of the proceedings and an opportunity to be heard. Any action by a judge that restricts or denies this right would be a violation of the Constitution.

Thirdly, the Code of Judicial Conduct for United States Judges provides that a judge shall be faithful to the law and maintain professional competence in it. Denying creditors, the right to be heard during a meeting of creditors or conference call would be a violation of this code, as it goes against the established principles of bankruptcy law.

Therefore, it is essential that judges uphold the rights of creditors to be heard and participate in the bankruptcy process. Any action that denies or restricts this right violates several laws and codes governing bankruptcy proceedings and can have significant consequences for the case.

As I mentioned earlier, the right of creditors to be heard and participate in the bankruptcy process is a fundamental principle of bankruptcy law, and any action by a judge that denies or restricts this right violates several laws and codes governing bankruptcy proceedings. In addition to the Bankruptcy Code, the United States Constitution, and the Code of Judicial Conduct for United States Judges, there are other laws and precedents that support this principle.

For example, the Supreme Court has held in *Local Loan Co. v. Hunt*, 292 U.S. 234 (1934), that a bankruptcy court must maintain impartiality and avoid favoring one party over another. Any action by a judge that appears to show favoritism towards a debtor, such as denying creditors the right to be heard, can be seen as a violation of this principle.

Furthermore, the Federal Rules of Bankruptcy Procedure require that a judge presiding over a bankruptcy case shall be impartial and shall avoid conduct that gives the appearance of partiality. Denying creditors the right to be heard during a meeting of creditors or conference call, especially if done repeatedly or consistently, can be seen as conduct that gives the appearance of partiality towards the debtor.

If a judge is found to have violated these laws and codes, they could be subject to disciplinary action or even removal from office. The Judicial Conduct and Disability Act of 1980 provides for the investigation and possible removal of federal judges who engage in misconduct or violate ethical standards.

In summary, denying creditors the right to be heard and participate in the bankruptcy process violates several laws and codes governing bankruptcy proceedings and can result in serious consequences for a judge who engages in such conduct. It is essential for judges to maintain impartiality and avoid conduct that gives the appearance of partiality towards debtors or any party in a bankruptcy case.

Respectfully submitted,

Date: 02/22/2023

/s/ Alah Shehadeh

exclusivetrends@icloud.com

708-578-5102